

Pursuant to Ind. Appellate Rule 65(D),  
this Memorandum Decision shall not be  
regarded as precedent or cited before  
any court except for the purpose of  
establishing the defense of res judicata,  
collateral estoppel, or the law of the case.

ATTORNEY FOR APPELLANT:

**ADAM M. DULIK**  
Indianapolis, Indiana

ATTORNEYS FOR APPELLEE:

**STEVE CARTER**  
Attorney General of Indiana

**GARY DAMON SECREST**  
Deputy Attorney General  
Indianapolis, Indiana

---

**IN THE  
COURT OF APPEALS OF INDIANA**

---

SAMUEL COOPER,

Appellant-Defendant,

vs.

STATE OF INDIANA,

Appellee-Plaintiff.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

No. 49A05-0608-CR-410

---

APPEAL FROM THE MARION SUPERIOR COURT  
The Honorable Carol Orbison, Judge  
Cause No. 49G17-0605-FD-081424

---

**May 17, 2007**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**BAKER, Chief Judge**

Appellant-defendant Samuel Cooper appeals his conviction for Criminal

Confinement,<sup>1</sup> a class D felony, arguing that the evidence is insufficient. Finding no error, we affirm the judgment of the trial court.

### FACTS

Cooper and his girlfriend, Kimberly Stampert, lived together in her Indianapolis home. At 1:00 p.m. on May 6, 2006, Cooper and Stampert argued about money while in their bedroom. The bedroom door was open, and the bedroom was located across the hall from Stampert's mother's bedroom. Four different times over the course of twenty minutes, Cooper prevented Stampert from leaving the bedroom. Every time she attempted to leave, he forcefully shoved her in the chest and told her to stay "where she belonged." Tr. p. 19-20, 34. Cooper told Stampert that if she left the bedroom, he would put his hands on her. Id. at 20. Stampert was scared and just wanted Cooper to leave the room. Id. at 23.

Eventually, the argument inside the bedroom ended and Stampert and Cooper walked outside of the house, where they continued to argue. A neighbor observed the quarrel and called the police.

When the police arrived, Stampert was no longer outside. As the officers approached the neighbor's house, they crossed paths with Cooper and exchanged a greeting with him as they went to the door. The police continued to the neighbor's house, where they learned that they had just spoken to Cooper. When they turned around to find Cooper, he had already begun to run, and continued to do so even after being told to stop. A canine unit apprehended him approximately five minutes later.

---

<sup>1</sup> Ind. Code § 35-42-3-3.

On May 8, 2006, the State charged Cooper with class D felony criminal confinement, class A misdemeanor intimidation, and class A misdemeanor resisting law enforcement. On June 9, 2006, a bench trial was held and the trial court acquitted Cooper of intimidation and convicted him of criminal confinement and resisting law enforcement. On July 5, 2006, the trial court sentenced Cooper to two years for criminal confinement with one year suspended to probation, to be served concurrently with six months for resisting law enforcement. Cooper now appeals.

### DISCUSSION AND DECISION

Cooper argues that there is insufficient evidence supporting his criminal confinement conviction. Upon a challenge of the sufficiency of the evidence, we neither reweigh the evidence nor judge the credibility of witnesses. McHenry v. State, 820 N.E.2d 124, 126 (Ind. 2005). In reviewing the conviction, we will consider only the probative evidence and the reasonable inferences that may be drawn therefrom in support of the verdict. Id. A claim of insufficient evidence will prevail only if no reasonable factfinder could have found the defendant guilty beyond a reasonable doubt. Ritchie v. State, 809 N.E.2d 258, 270 (Ind. 2004).

To convict Cooper of criminal confinement, the State was required to prove that he knowingly or intentionally confined Stampert without her consent. I.C. § 35-42-3-3. Confinement exists when there is a substantial interference of liberty without consent. Harvey v. State, 719 N.E.2d 406, 411-12 (Ind. Ct. App. 1999).

As noted above, Cooper repeatedly prevented Stampert from leaving their bedroom by

shoving her in the chest and threatening her with harm. Indeed, Cooper concedes that he “attempted to keep the argument inside the bedroom.” Appellant’s Br. p. 7. This evidence is sufficient to establish that he intentionally and substantially interfered with Stampert’s liberty without her consent.

Cooper argues that the fact that they were in Stampert’s own home means that he is not guilty of criminal confinement. There is no requirement, however, that a criminal confinement occur somewhere other than the victim’s home. See, e.g., Pyle v. State, 476 N.E.2d 124, 127 (Ind. 1985) (finding that essence of confinement is restriction of person’s freedom of movement and liberty against her will, regardless of whether that person is confined in her own home).

Cooper also argues that the confinement was de minimis because Stampert was able to leave thirty minutes after the confinement began and because she did not call out for help. Initially, we observe that he offers no authority in support of a de minimis argument. Indeed, the crime of criminal confinement has been committed if the statutory elements are met regardless of the length, brutality, or trauma suffered as a result of the confinement.

Furthermore, merely because Stampert was able to leave after she had been confined for nearly half an hour does not negate the fact that a confinement occurred. See Spivey v. State, 436 N.E.2d 61, 63 (Ind. 1984) (holding that the fact that the two victims were able to break away from the confinement did not negate a finding that the confinement took place); see also Sammons v. State, 397 N.E.2d 289, 294 (Ind. Ct. App. 1979) (holding that the fact that the length of confinement was brief was not a determinative factor of “substantial”

interference, for while time may be a factor, it was the type or nature of interference that was most significant). Similarly, whether Stampert called for help is irrelevant to an analysis of whether a confinement occurred, inasmuch as a reasonable factfinder could have inferred that she was too frightened of Cooper's violent behavior and threats of future violence to call for help. We find, therefore, that the evidence is sufficient to support Cooper's conviction.

The judgment of the trial court is affirmed.

FRIEDLANDER, J., and CRONE, J., concur.